

**REGULAR MEETING
TRIBAL FORESTRY COMMITTEE
JULY 28, 2009 – 3:00 P.M.
TRIBAL OFFICE BOARDROOM**

1. Chairman Randal Chevalier called the meeting to order at 3:00 p.m. Roll call was taken with a quorum present. MEMBERS PRESENT: Randal Chevalier, Tony Waupochick, Al Pyatskowit, Walter Cox (late), Dave Grignon, Jeremy Pyatskowit, and Rick Warrington. MEMBERS ABSENT: Myrna Warrington (excused) and Susan Waukau (excused). Also present: Lindzey Grall, George Korn, Chris Caldwell, and Linda Peters, Recorder.

2. Moment of Silence. Randal Chevalier requested a moment of silence.

3. Approval of Minutes dated May 26, 2009

Please note: Walter Cox entered the meeting at 3:02 p.m.

There were no corrections necessary.

**Motion made by Anthony Waupochick to approve the minutes dated May 26, 2009.
Second was by Jeremy Pyatskowit. All those in favor of the motion signify by saying aye.
Motion carried: 5 for, 0 opposed, 1 abstention (R. Warrington) and 2 absent (M. Warrington and Waukau).**

4. Ordinance # 02-22: Discussion and Recommendation

The Committee reviewed the Ordinance, and they need to review that the formula adheres to the Ordinance. According to the Ordinance, it requires a monthly assessment. The workgroup was not meeting on a monthly basis.

Other questions approved logging year, allowable cut, assessing the dollar amount, how has it been collected, how has it been calculated in the past, for distribution to tribal members. Chris Caldwell explained the formula process that is currently in the Ordinance, and using all relevant materials that are available during the assessment.

MTE attorney's state that the Ordinance is unconstitutional whereas the Tribe's attorney's state that it is constitutional. The wording "shall" could be interpreted that the Tribe could interfere in MTE's business operation.

There are no enforcement mechanisms, no fees or penalties assessed lack of statute authority, the determination if the payment is a stumpage payment or an excess profit statement.

The Committee will review the document and come up with a distribution of profits for next month's meeting. If there are no excess profits available, the Committee will try and come up with some ideas to comply with the Constitution when it comes to the definition of the distribution of profits. The Committee will share ideas and review them at the next meeting. The Legal Department will check on the enforceability of this Ordinance, and report back at the next meeting.

5. Forest Management Plan: Set Meeting Date

The Committee set a meeting date of August 18, 2009 starting at 3:00 p.m. at the Forestry Center.

6. Amendment to Ordinance # 05-22: Discussion and Recommendations

Chris Caldwell presented some of the changes to Ordinance 05-22 that his program is recommending for approval. Part of the problem with the current Ordinance is the timelines were never adhered too. The changes make the Ordinance easier to read, formatted with numbering added; and the definitions were moved to the front of the document. MTE is still required to submit the prescriptions to the Committee to recommend to MTL for approval.

The Legal Department will submit the amendment changes for the next meeting.

7. Trust and Management Agreement: Annual Determination Report

The MTE Forestry Committee discussed the Annual Determination format at their last meeting, approved it, and sent to the MTE Board of Director's for approval.

Chris Caldwell will update the Committee at the next meeting what transpired.

8. Trust Resource's Director's Report:

Chris Caldwell will submit his June and July 2009 reports to the Committee for review at the next meeting.

9. BIA Site Visit Issue

Chris Caldwell appraised the Committee on what transpired when the BIA was doing a site visit. Mr. Caldwell is unsure that the BIA will not send Dave Congos-On-Site Forester to Menominee despite the Tribal Resolution # 04-01 (Request for Re-Assignment for BIA-Regional Forester David Congos).

The Tribe should be able to work with anyone that the BIA sends so that the Tribe does not jeopardize the 638 contracts. The BIA would need to provide us ample notice and what the BIA is also requesting for documentations. The Tribe needs to be aware of Mr. Congos's status with the Tribe. Does he still work with our Tribe? Does the Tribe's resolution stand? The Tribe needs to meet with the Regional Staff and work out these problems to avoid future problems.

Motion made by Anthony Waupochick to recommend to the Legislature to request a meeting with the Regional BIA Staff to discuss site visit protocol and On-Site BIA Forester Re-Assignment issue. Second was by Walter Cox. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 2 absent (M. Warrington and Waukau).

10. Checklist Development – MTL motion

At the Menominee Tribal Legislature meeting that was held on July 1, 2009 the Forestry Committee was given 60 days to develop a checklist for the purposes of being in compliance with the Tribe's governing documents (Constitution, Trust and Management Agreement and the MTE Management Plan).

The Committee will review this document and submit their comments to Chris prior to the next Forestry Committee meeting.

11. Compartment 223 Issue – MTL motion

Randal Chevalier along with David Grignon updated the Committee that Resolution 07-02 is a problematic resolution that prohibits further development for the Menominee Tribe. The MTL did a quick fix so that the Cultural Museum project can continue. The quarter mile buffer zone that was created on the Wolf River was not to disturb archaeological sites. This subject will be further researched prior to the Forestry Committee making recommendations.

Chairman Chevalier will contact MTE and the Community Development Committee to find out what their recommendations are and when the Community Development Committee is ready with their recommendations. Chairman Chevalier will bring their comments back to the Forestry Committee for further review.

12. Attending MTE meetings

Randy Chevalier would like members to attend the MTE Board of Directors and Forestry Committee meetings.

13. Other Business

George Korn informed the Committee that plugs were planted from seedlings from Minnesota. Mr. Korn will try and get a statement from Brent Stempa that would provide the Committee documentation that this practice is going on regardless of what MTE is stating.

14. Adjournment

Motion made by Jeremy Pyatskowit to adjourn the meeting. Second was by Al Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 2 absent (M. Warrington and Waukau).

Meeting adjourned at 5:25 p.m.

Respectfully submitted by,

Linda Peters, Recorder/Transcriber
Recording Clerk – Chairman's Office